

United States District Court
for
Middle District of Tennessee

Superseding Petition for Warrant for Offender Under Supervision
[Supersedes Petition Filed as Docket Entry No. 106]

Name of Offender: Wayne A. Goodloe

Case Number: 3:02-00084-02

Name of Sentencing Judicial Officer: Honorable Todd J. Campbell, U.S. District Judge

Date of Original Sentence: October 28, 2002

Original Offense: 21 U.S.C. § 846 Conspiracy to Distribute 50 Grams or More of Cocaine Base

Original Sentence: 120 months' custody and five years' supervised release

Type of Supervision: Supervised release

Date Supervision Commenced: February 8, 2010

Assistant U.S. Attorney: Hal McDonough

Defense Attorney: David Baker

PETITIONING THE COURT

- To Consider Additional Violations/Information.
 To issue a Summons.
 To issue a Warrant.
-

THE COURT ORDERS:

- No Action
 The Issuance of a Warrant:
 Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshal only)
 The Issuance of a Summons.
 Other: *Consider the additional violations/information at the hearing on 10/3/14 at 1:00 p.m.*

I declare under penalty of perjury that the foregoing is true and correct.
Respectfully submitted,

Amanda Michele

Amanda Michele
U.S. Probation Officer

Considered this 1 day of Oct, 2014,
and made a part of the records in the above case.

Place

Nashville, TN

Todd J. Campbell
U.S. District Judge

Date

October 1, 2014

ALLEGED VIOLATIONS

The information provided in the previous petition, filed as docket entry No. 106, has been amended as follows:

Violation No. 1 - has been amended to update the Court as to the disposition in the underlying violation conduct.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall not commit another federal, state, or local crime.**

On April 14, 2014, Mr. Goodloe was arrested and charged with Possession with Intent - Schedule II - Cocaine 26-299 grams (a Class B felony), in Davidson County, Tennessee. Mr. Goodloe was observed by police officers, who were conducting surveillance at the TGI Fridays in Nashville, toss a bag containing a white, powdery substance into a booth close to his person. The bag was recovered and field tested positive for cocaine base and weighed approximately 2.5 ounces. The incident was captured on TGI Fridays camera system. The arrest affidavit and final judgment order are attached for Your Honor's review.

On September 11, 2014, Mr. Goodloe pled guilty as charged and was sentenced to eight years' in the Tennessee Department of Corrections. His sentence was suspended to eight years' state probation and he was ordered to pay a total of \$3,096.00 in court costs.

Compliance with Supervision Conditions and Prior Interventions:

Wayne E. Goodloe is employed by Champion Car Wash and lives with his mother in Madison, Tennessee. Mr. Goodloe began his term of supervised release on February 8, 2010, and his supervision was due to terminate on February 7, 2015. Due to his incarceration on the above mentioned conviction, Mr. Goodloe's supervised release will now terminate on July 6, 2015.

A report was submitted to the Court on May 13, 2013, regarding Mr. Goodloe's positive drug tests on May 2 and May 7, 2013. He was referred to Centerstone Mental Health in Madison, Tennessee, for a substance abuse assessment and his random drug testing was increased. Mr. Goodloe was given a verbal reprimand and re-instructed to not use any controlled substances or be in possession of illegal drugs. The Court ordered no action on May 20, 2013.

Following his positive drug test for cocaine and marijuana, on May 20, 2013, Mr. Goodloe was referred to Centerstone Mental Health in Madison, Tennessee, for substance abuse treatment.

A petition was submitted to the Court on July 16, 2013, regarding Mr. Goodloe's continued use of marijuana and leaving the Middle District of Tennessee without permission from the Court or probation officer. The Court ordered the issuance of summons on July 16, 2013, and Mr. Goodloe was ordered to appear at the U.S. Marshal's Office on or before July 31, 2013. Mr. Goodloe appeared on his summons on July 31, 2013, and was released to the same conditions of supervised release, pending his revocation hearing. A superseding petition was submitted to the Court on August 12, 2013, regarding Mr. Goodloe's additional positive drug tests for marijuana. Mr. Goodloe's revocation hearing was held on August 14, 2013. He pled guilty to violating the conditions of his supervised release and the Court agreed to continue the hearing for six months. Mr. Goodloe's final revocation hearing was to be held on February 14, 2014. Prior to the hearing, the Court dismissed the petition after being notified by Assistant U.S. Attorney Hal McDonough, and the probation office, that Mr. Goodloe had incurred no further violations during the six month period. He was ordered to remain on all previously imposed conditions of supervision.

A report was submitted to the Court on April 9, 2014, regarding Mr. Goodloe's citation for Possession of a Controlled Substance - Schedule I, in Davidson County, Tennessee, on February 22, 2014. The charge was dismissed on March 28, 2014, in Davidson County General Sessions Court. The Court ordered no action on April 9, 2014.

A petition was submitted to the Court on April 15, 2014, regarding Mr. Goodloe's arrest for Possession with Intent- Schedule II- Cocaine 26-299 grams on April 14, 2014. The Court ordered the issuance of warrant on April 15, 2014. Mr. Goodloe remained in the Davidson County Jail until the resolution of his case on September 11, 2014. At that time, he was released to the custody of the U.S. Marshals. Mr. Goodloe appeared before U.S. Magistrate Judge John Bryant on September 18, 2014. He was released to the same conditions of supervised release with the added condition that he remain on home confinement daily, pending his revocation hearing.

Prior to Mr. Goodloe's arrest in April 2014, he was employed, full-time, and attending group outpatient substance abuse treatment at Centerstone Mental Health. Since July 2013, Mr. Goodloe has been randomly drug tested on 23 different occasions, all of which were negative.

Update of Offender Characteristics:

There is no additional information relevant to this section that has not already been provided in this petition.

U.S. Probation Officer Recommendation:

It is respectfully requested that these additional violations be considered at the revocation hearing to be held before Your Honor on October 3, 2014. This updated information has been discussed with Assistant U.S. Attorney Hal McDonough, who concurs with the recommendation.

Approved: 

Britton Shelton
Supervisory U.S. Probation Officer

SENTENCING RECOMMENDATION
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES V. WAYNE GOODLOE, CASE NO. 3:02-00084-02

GRADE OF VIOLATION: A
CRIMINAL HISTORY: I

ORIGINAL OFFENSE DATE:	POST APRIL 30, 2003	PROTECT ACT PROVISIONS	
		<u>Statutory Provisions</u>	<u>Guideline Provisions</u>
CUSTODY:	5 years (Class A Felony) <i>18 U.S.C. § 3583(e)(3)</i>	24-30 months <i>U.S.S.G. § 7B1.4(a)</i>	No recommendation
SUPERVISED RELEASE:	5 years less any term of imprisonment <i>18 U.S.C. § 3583(h)</i>	2-5 years <i>U.S.S.G. § 5D1.2(a)(1)</i>	No recommendation

18 U.S.C. § 3583(g)(1) If the defendant possesses a controlled substance in violation of the condition set forth in subsection (d). The Court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

Guideline Policy Statements: Pursuant to U.S.S.G § 7B1.3(a)(1), upon a finding a Grade A or B violation, the Court shall revoke probation or supervised release.

Respectfully Submitted,



Amanda Michele
U.S. Probation Officer

Approved:



Britton Shelton
Supervisory U.S. Probation Officer

COMPLAINT NUMBER: 2014-0355851

WARRANT NUMBER: GS673712

PROSECUTOR: Adam D Read

DEFENDANT: WayneGoodloe

VICTIM:

STATE OF TENNESSEE, COUNTY OF DAVIDSON

AFFIDAVIT

FELONY DRUG OFFENSE

T.C.A. 39-17-417

Personally observed before me, the undersigned, [Select one] Commissioner Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one] he she [Select one] personally observed has probable cause to believe that the defendant named above on 04/14/2014 in Davidson County unlawfully and knowingly did [Select one] sell deliver manufacture possess with intent to sell, deliver, or manufacture a controlled substance and that *the probable cause is as follows:*

On 04-14-2014 your affiant was conducting surveillance on your defendant when your affiant approached him to speak with him about selling Narcotics. Your affiant was dressed in clearly marked police attire when I approached your defendant inside TGI Fridays as he was walking out. When your defendant noticed me he took a bag of white powdery substance and tossed it into a booth close to his person before I could even say a word. The baggie was recovered and did field test positive for cocaine base and weighed approx. 2.5 ounces. The incident was captured on TGIF Fridays camera system.

ESignature

Prosecutor: Adam D Read 00010995

A R R E S T W A R R A N T

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Poss.w/Int-Cont.Sub.- Cocaine 26-299 gr. B FELONY, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 04/14/2014 21:53:15 .

Carolyn Piphus

Judge of the Metropolitan General Sessions Court/Commissioner

1 of 1 pages
;

IN THE CRIMINAL/CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Case Number: 2014-C-1849 Count # 1 Counsel for the State: M. King
 Judicial District: 20th Judicial Division: TTT Counsel for the Defendant: P. Hale
 State of Tennessee Retained Pub Def Appl Private Atty Appl
 vs. Counsel Waived Pro Se
 Defendant: Wayne Allen Gaylor Alias: Date of Birth: 1/1/81 Sex: M
 Race: B SSN: 411-33-7051 Driver License #: Issuing State:
 State ID #: County Offender ID #(if applicable): TOMIS/TDOC #:
 Relationship to Victim: Victim's Age:
 State Control #: Arrest Date: Indictment Filing Date:
 JUDGMENT Original Amended Corrected

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 11 day of September, 2014, the defendant:

Pled Guilty Dismissed/Nolle Prosequi
 Pled Nolo Contendere
 Pled Guilty - Certified Question Findings Incorporated by Reference
 Is found: Guilty Not Guilty
 Jury Verdict Not Guilty by Reason of Insanity
 Bench Trial

Indictment: Class (circle one) 1st A B C D E Felony Misdemeanor
 Indicted Offense Name AND TCA §: Poss. 45 with Intent sch. II 9/16
 Amended Offense Name AND TCA §:
 Offense Date: 4/14/14 County of Offense: Davidson
 Conviction Offense Name AND TCA §: Poss. 45 with Intent sch. II
 Conviction: Class (circle one) 1st A B C D E Felony Misdemeanor
 Is this conviction offense methamphetamine related? Yes No
 Sentence Imposed Date: 9/11/14

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One)	Release Eligibility (Check One)	Concurrent with:	Pretrial Jail Credit Period(s):
<input type="checkbox"/> Mitigated <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career <input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input checked="" type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Violent 100% <input type="checkbox"/> Repeat Viol 100%	<input type="checkbox"/> Agg Rob w/Prior 100% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> Agg Rapist 100% <input type="checkbox"/> Molt 39-17-1324 100% <input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Agg Child Neglect/Endangerment 70% <input type="checkbox"/> Agg Assault w/Death 75%	<input type="checkbox"/> 1 st Degree Murder <input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Gang Related
			From 4/14/14 to 9/11/14
			From _____ to _____
			From _____ to _____
			From _____ to _____

Sentenced To:	<input checked="" type="checkbox"/> TDOC	<input type="checkbox"/> County Jail	<input type="checkbox"/> Workhouse	CCA				
Sentence Length:	8 Years	Months	Days	Hours	<input type="checkbox"/> Life	<input type="checkbox"/> Life w/out Parole	<input type="checkbox"/> Death	
Mandatory Minimum Sentence Length:	39-17-411, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone or 55-10-401 DUI 4 th Offense or 39-17-1324 Possession/Employment of Firearm or 40-39-208, -211 Violation of Sex Offender Registry							
Period of incarceration to be served prior to release on probation or Community Corrections:	Months	Days	Hours					
Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs:	% (Misdemeanor Only)							
Alternative Sentence:	<input checked="" type="checkbox"/> Sup Prob	<input type="checkbox"/> Unsup Prob	<input type="checkbox"/> Comm Corr	(CHECK ONE BOX)	8 Years	Months	Days	Effective: 9/11/14

WAS DRUG COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? Yes No

Court Ordered Fees and Fines:	Costs to be Paid by	Restitution: Victim Name _____ Address _____
\$ Court Costs	<input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State	Total Amount \$ _____ Per Month \$ _____
\$ 2,000 Fine Assessed Wayne Gaylor		<input type="checkbox"/> Unpaid Community Service: Hours Days Weeks Months
\$ Traumatic Brain Injury Fund (68-55-301 et seq.)		
\$ Drug Testing Fund (TN Drug Control Act)		
\$ CICF	\$ Sex Offender Tax	
\$ Other:		

The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.

Pursuant to 39-13-521 the defendant is ordered to provide a biological specimen for the purpose of HIV testing.

Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Pursuant to Title 68, Chapter 11, Part 10, the clerk shall forward this judgment to the Department of Health.

Special Conditions	<input type="checkbox"/>
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Hon. Cheryl Blackburn

Judge's Name

Cheryl Blackburn

Judge's Signature

9/11/14

Date of Entry of Judgment

Counsel for State/Signature (optional)

Defendant/Defendant's Counsel/Signature (optional)

I _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

RDA 1167

VIOLATION WORKSHEET

1. **Defendant** Wayne Allen Goodloe

2. **Docket Number** (*Year-Sequence-Defendant No.*) 0650 3:02CR00084 - 2

3. **District/Office** Middle District of Tennessee- Nashville

4. **Original Sentence Date** 10 / 28 / 2002
month *day* *year*

5. **Original District/Office** _____
(if different than above)

6. **Original Docket Number** (*Year-Sequence-Defendant No.*) _____

7. **List each violation and determine the applicable grade (see §7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
Shall not commit another federal, state, or local crime.	A

8. **Most Serious Grade of Violation** (*see* §7B1.1(b)) A

9. **Criminal History Category** (*see* §7B1.4(a)) I

10. **Range of Imprisonment** (*see* §7B1.4(a)) 24 - 30 months

11. Sentencing Options for Grade B and C Violations Only (*Check the appropriate box*):

- (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
 - (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
 - (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant Wayne Allen Goodloe

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution(\$) _____ Community Confinement _____
Fine(\$) _____ Home Detention _____
Other _____ Intermittent Confinement _____

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: _____ to _____ years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from _____ imprisonment:

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of Imprisonment:

15. Official Detention Adjustment (see §7B1.3(e)): _____ months _____ days

Mail documents to: United States Sentencing Commission
Ste 2-500, South Lobby, One Columbus Cir, NE
Washington, DC 20002-8002